



43rd session of the Human Rights Council
Item 6 – UPR Outcome Kazakhstan
Statement by: International Lesbian and Gay Association
12 March 2020

Delivered by: Gulzada Serzhan

Thank you, Madam President,

I am delivering this statement on behalf of ILGA World and Kazakhstan Feminist Initiative "Feminita".

We thank the 10 states who made 11 recommendations with respect to sexual orientation and gender identity (SOGI) issues.

In the third cycle of UPR review Kazakhstan has received 10 recommendations urging the state to "adopt comprehensive anti-discrimination legislation that includes an explicit prohibition of discrimination on the basis of sexual orientation and gender identity", which continues to be an important issue for the communities Feminita represents.

We appreciate that Kazakhstan has accepted one recommendation on LGBTI human rights defenders, unfortunately the 10 recommendations calling for non-discrimination protection on the basis of SOGI were only noted.

The national equality legislation (1) provides an inadequate definition of discrimination, (2) does not establish a clear cause of action for women experiencing discrimination, and (3) does not provide for remedies in cases of discrimination. In the absence of comprehensive anti-discrimination legislation, Kazakhstan is unable to meet its obligations under Article 2 of ICCPR, ICESCR and CEDAW. There is no explicit prohibition of discrimination on the basis of SOGI under national law.

Despite the Government's response that the existing legislation provides for the principles of non-discrimination based on the ground of sex, national equality legislation, at best, offers "a patchwork of protection from discrimination" with a weak enforcement and implementation framework.

We will continue to advocate for equality and respect of lesbian, bisexual, queer and trans women and stand ready to work with Kazakhstan government on the implementation and follow-up of all SOGI recommendations.

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Thank you, Madam President

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